1943.

File No. Cr. A. Bel/43

Legal — DEPARTMENT

A — BRANCH

Subject:—

Criminal Appeals in the High Court Bombay against the order of Acquittals from Belgaum.

P-Q:E

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K.V. Velankar

Superintendent,
D Branch, Legal Department.

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Judgment recorded by the High Court in Criminal Application for Revision No.370 of 1942 (By the Government of the Province of Bombay) in the case of Imperator Vs.Ramappa Ningappa Budin.

The Government Pleader for the Applicant.

Mr.K. G. Datar, Advocate(appointed) for the accused.

8th January 1943.

(Coram: Wadia and Sen, JJ.)

Oral Judgment (per Wadia, J.):-

This is an application by the Government of Bombay to enhance the sentence of 1 year's rigorous imprisonment and a fine of Rs.25/- passed upon the accused by the Resident Magistrate, First Class, Hukeri, under section 326 of the Indian Penal Code.

The accused was charged with having caused grievous hurt to a woman named Ningawa by cutting off the tip of her nose. He had made improper approaches to the woman and when these were repulsed, he revenged himself on her by attacking her suddenly and cutting off the tip of her nose. He admitted the allegations made by the complainant and pleaded guilty. The learned Magistrate sentenced him as stated above.

It is urged on his behalf by Mr.Datar that there is no evidence to show that any portion of the woman's nose was completely cut off or that she had been permanently disfigured, but the statement of the complainant that the tip of her nose had been cut off was not challenged on behalf of the accused. It has been repeatedly laid down by this Court that severe sentences are necessary in cases of nose cutting. We enhance the sentence passed upon the accused to one of - - rigorous imprisonment for two years and maintain the sentence of fine.

By the Court,

Sd. M. G. Rao.

Deputy Registrar.